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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,379	01/09/2002	Takashi Kondo	24540-20004.00	5474
25227	7590	05/20/2004	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			PHAM, HUNG Q	
		ART UNIT		PAPER NUMBER
		2172		
DATE MAILED: 05/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/040,379	KONDO ET AL. <i>[Signature]</i>	
	Examiner HUNG Q PHAM	Art Unit 2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 January 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 01/09/2002 was filed before the mailing date of the first office Action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 3-9, 11-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Barber et al. [USP 5,751,286].**

Regarding to claim 1, Barber teaches an image data retrieval apparatus for retrieving desired image data from an image database (Abstract). As shown in FIG. 2, an example of an image data is stored in the database with a defined region of interest of the image (Col. 6, Lines 61-66). As shown in FIG. 5, category container 94 contains a plurality of thumbnails of predetermined regions extracted from a specific location of the image database (Col. 9, Lines 10-12). As seen, a thumbnail of container 94 in FIG. 5 represents a predetermined region from the image data stored in image database by the process of FIG. 2. In different words, the technique as discussed indicates the step of *extracting an image of a predetermined region from said image data registered in said image database*. In order to generate a query, a thumbnail could be specified, dragged and dropped in the image window 90, for example, a BEARS thumbnail is dragged in the image window (Col. 9, Lines 25-35) as the step of *designating said extracted image as*

an image serving as a retrieval key. When the RUN QUERY is selected (Col. 9, Lines 42-43), the query is to find images in the database (Col. 7, Lines 7-8), and the query returns pictures that containing bears as specified by the query (Col. 9, Lines 48-57) as the step of *using said retrieval key image to retrieve from said image database image data containing an image identical or analogous to said retrieval key image.*

Regarding to claim 3 and 4, Barber teaches all the claimed subject matters as discussed in claim 1, Barber further discloses the step of *designating more than one said retrieval key image* (FIG. 5), *extracting more than one said image of said predetermined region from said image data in said image database for storage* (FIG. 5) and *designating a desired retrieval key image from said more than one image of said predetermined region stored* (FIG. 5).

Regarding to claim 5 and 6, Barber teaches all the claimed subject matters as discussed in claim 4, Barber further discloses the step of *retrieving more than one item of image data containing an image identical or analogous to said retrieval key image* (FIG. 6), *designates more than one retrieval key image* (Col. 9, Lines 35-40).

Regarding to claim 7, Barber teaches an image data retrieval program for retrieving desired image data from an image database (Abstract). As shown in FIG. 2 is an example of a plurality of items of an image data for storing in the database such as color, shape, texture for each defined region of interest (Col. 6, Lines 61-66). As shown

in FIG. 5, a user is *referred to a plurality of items of image data registered in said image database*, and category container 94 contains a plurality of thumbnails of predetermined regions extracted from a specific location of the image database (Col. 9, Lines 10-12). As seen, a thumbnail of container 94 in FIG. 5 represents a predetermined region from the image data stored in image database by the process of FIG. 2. In different words, the technique as discussed indicates the step of *extracting an image of a predetermined region included in said image data*. In order to generate a query, a thumbnail could be specified, dragged and dropped in the image window 90, for example, a BEARS thumbnail is dragged in the image window (Col. 9, Lines 25-35) as the step of *designating said extracted image of said predetermined region as an image serving as a retrieval key*. When the RUN QUERY is selected (Col. 9, Lines 42-43), the query is to find images in the database (Col. 7, Lines 7-8), and the query returns pictures that containing bears as specified by the query (Col. 9, Lines 48-57) as the step of *using said designated retrieval key image to retrieve from said image database image data containing an image identical or analogous to said retrieval key image*.

Regarding to claim 8, Barber teaches an image data retrieval program for retrieving desired image data from an image database (Abstract). As shown in FIG. 2 is an example of an item of image data that stored in the database (Col. 6, Lines 61-66). As shown in FIG. 5 is a plurality of *extracted images serving as a retrieval key for search through said plurality of items of image data registered in said image database, and storing said extracted retrieval key images* in four regions, color, shape, category and texture (Col.

9, Lines 5-25). In order to generate a query, a thumbnail could be specified, dragged and dropped in the image window 90, for example, BEARS and WATER thumbnails are dragged in the image window (Col. 9, Lines 25-35) as the step of *designating a desired retrieval key image among said stored retrieval key images*. When the RUN QUERY is selected (Col. 9, Lines 42-43), the query is to find images in the database (Col. 7, Lines 7-8), and the query returns pictures that containing bears and water as specified by the query (Col. 9, Lines 48-57) as the step of *using said designated retrieval key image to retrieve from said image database more than one item of image data containing an image identical or analogous to said retrieval key image*.

Regarding to claim 9, Barber teaches all the claimed subject matters as discussed in claim 8, and further discloses the step of *extracting an image of a predetermined region included in said image data registered* (FIGS. 2, 5-6).

Regarding to claims 11, 12 and 15, Barber teaches an image data retrieval program for retrieving desired image data from an image database (Abstract). As shown in FIG. 2 is an example of an item of image data that stored in the database (Col. 6, Lines 61-66). As shown in FIG. 5 is a plurality of *extracted images serving as a retrieval key for search through said plurality of items of image data registered in said image database*, and *storing more than one said extracted retrieval key image* in four regions, color, shape, category and texture (Col. 9, Lines 5-25). In order to generate a query, a thumbnail could be specified, dragged and dropped in the image window 90, for example, BEARS

and WATER thumbnails are dragged in the image window (Col. 9, Lines 25-35) as the step of *designating more than one desired retrieval key image among said more than one retrieval key images stored*. When the RUN QUERY is selected (Col. 9, Lines 42-43), the query is to find images in the database (Col. 7, Lines 7-8), and the query returns pictures that containing bears and water as specified by the query (Col. 9, Lines 48-57) as the step of *using said more than one designated retrieval key image to retrieve from said image database image data containing an image identical or analogous to said retrieval key image*.

Regarding to claim 13, Barber teaches all the claimed subject matters as discussed in claim 12, Barber further discloses the step of *extracting an image of a predetermined region included in said image data registered* (FIGS. 2, 5-6).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 16-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber et al. [USP 5,751,286].**

Regarding to claims 16 and 20, Barber teaches an image data retrieval program for retrieving desired image data from an image database (Abstract). As shown in FIG. 2, an image is decomposed into image characteristics including color, texture, size, shape and layout. The decomposed elements of the image 40 are digitized and tabularized in order to construct the data representation 42 (Col. 5, Lines 57-64). The

data representation 42 may be organized as a tabularized file for image whose columns corresponds to image characteristics (Col. 6, Lines 24-28). As shown in FIG. 3 is thumbnail definitions for color, texture, size, shape, and category. Each thumbnail definition represents a particular referenced characteristic (Col. 6, Lines 33-38). When a query is assembled, an object/thumbnil procedure is employed to construct a query in terms of values of the image characteristics of interest (Col. 7, Lines 2-9). As seen, information corresponding to an image is obtained by decomposing an image and stored in a table, a thumbnail correlated with an image characteristic is also generated and serving as a retrieval key. In short, the technique as discussed indicates the claimed *obtaining information corresponding to an image; a table for having recorded therein said information and an image serving as a retrieval key, correlated with each other.* In order to search for an image, a thumbnail could be specified, dragged and dropped in the image window 90, for example, BEARS and WATER thumbnails are dragged in the image window (Col. 9, Lines 25-35). When the RUN QUERY is selected (Col. 9, Lines 42-43), the query is to find images in the database (Col. 7, Lines 7-8), and the query returns pictures that containing bears and water as specified by the query (Col. 9, Lines 48-57). This illustrates the step of *using said retrieval key image to retrieve from said image database image data containing an image identical or analogous to said retrieval key image.* Barber does not explicitly teach the step of *referring to said table to convert said information to a retrieval key image.* However, as discloses by Barber, when a query is assembled, an object/thumbnil procedure is employed to construct a description of the images, and the query being constructed in terms of values of the image characteristics

of interest. To do a query, the QBIC engine 32 converts pictorial query information, e.g., the information from the thumbnails and their location, from the image query window into image characteristic values. Thus, a thumbnail or *a retrieval key image*, obviously, is a conversion of image characteristic or *information*, and in order to have the location, the table has to be referred to, because the location is in the table as shown in FIG. 2. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Barber technique by referring to table to convert information to a thumbnail in order to retrieve an image relates to a thumbnail query.

Regarding to claim 17, Barber teaches all the claimed subject matters as discussed in claim 16, Barber further discloses the step of *obtaining more than one item of information* (FIG. 2).

8. Claims 2, 10, 14 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber et al. [USP 5,751,286] in view of Abdel-Mottaleb et al. [USP 5,915,038].

Regarding to claims 2, 10, 14 and 18, Barber teaches all the claimed subject matters as discussed in claims 1, 9, 13 and 16, but does not explicitly disclose *image of said predetermined region is an image of a face of a person*. Abdel-Mottaleb teaches a technique of retrieving image from an image database using an image as a query. Abdel-Mottaleb further discloses the image types could be an image of a person's face

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(Abdel-Mottaleb, Col. 2, Lines 24-38). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Barber technique by defining a person's face as a region of interest of the image in order to search for a particular person.

Regarding to claim 19, Barber and Abdel-Mottaleb teaches all the claimed subject matters as discussed in claim 18, but does not explicitly teach the step of *obtaining information in a form of a name of a person*. However, as disclosed by Barber, image features may be associated with text keywords, image IDs (Barber, Col. 5, Lines 59-60). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Barber and Abdel-Mottaleb technique by including a name of a person with an image of a face of a person in order to create an image IDs based on the name.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 703-605-4242. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Hung Pham
May 6, 2004


SHAHID ALAM
PRIMARY EXAMINER